

## REMARKS

This is a response to the Office Action dated June 6, 2007. Claims 1-7, 11-13, 16-24, and 26-43 are pending in the application. Claims 1-7, 11-13, 16-24, and 26-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2002/0083067 to Tamayo et al. in view of U.S. Patent No. 7,054,828 to Heching et al. ("Heching et al."). No new matter has been added with this response. Applicants respectfully submit that each of the pending claims is in condition for allowance.

## REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-7, 11-13, 16-24, and 26-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamayo et al. in view of Heching et al. Applicants respectfully submit that the Tamayo et al. and Heching et al., alone or in combination, fail to disclose all of the elements of these claims.

### A. Independent Claims 1, 11, 16, and 38

Independent claims 1 and 11 relate to a method and a system that includes "a modeling system configured to model aggregate behavior of a population as a function of aggregate on-line interest data, the on-line interest data based on passive observation of on-line behavior of a subpopulation, wherein the on-line behavior is related to, but different than, the behavior to be modeled, and wherein the subpopulation comprises a subset of the population," respectively, and independent claims 16 and 38 relate to a method and system that includes "a modeling system configured to model aggregate economic activity of a type of product as a function of aggregate on-line interest data related to products comprising the type, wherein the on-line interest data is based on passive observation of on-line behavior of a subpopulation, wherein the on-line behavior is related to, but different than, the economic activity to be modeled, and wherein the subpopulation comprises a subset of a population that engages in the economic activity to be modeled," respectively. Applicants respectfully submit that Tayamo et al. and Heching et al., either alone or in combination, fail to teach or suggest a system that predicts aggregate behavior or economic activity of a population based on behavior or economic activity different than that to be modeled.

Although the Office Action claims these features are disclosed in Tamayo et al., the Office Action explicitly notes that Tayamo et al. does not expressly disclose predicting aggregate behavior (as recited in Claims 1 and 11) or economic activity (as recited in Claims 16 and 38), or in other words, the claimed aggregate prediction of the behavior (or economic activity) of a population. See Office Action at p. 3, 6, and 12. Thus, the system of Tamayo et al. cannot disclose a model configured to predict aggregate behavior or economic activity as claimed.

Heching et al. fails to fill the gap. Instead, the Office Action alleges that Heching et al. describes a system that predicts aggregate behavior and population estimates for a population based on data obtained from a subset of the populations *related to the subject*. See Office Action at p. 3-4, 5-7, and 12-13. Although the system of Heching et al. teaches predicting aggregate behavior, it does so by extrapolating data from a subset of the population about a given subject. This is different from the claimed system which predicts aggregate behavior based on “behavior [or economic activity that] is related to, but different than, the behavior [or economic activity] to be modeled.”

For example, Heching et al. notes that, “A specific example illustrating this concept is as follows. We sample  $n$  elements from a population of size  $s$ . For each element, *we ask a question*, say: “what is your annual income?” Now, we want to answer the question: “What is the average annual income for the entire population?” *We want to answer this question* for the entire population (size  $N$ ) based upon the  $n$  responses collected.” Heching et al., col.4, ll.38-45 (emphasis added). In fact, Heching et al. summarize their invention as follows: “In estimating the behavior of the entire population, we conduct a survey by sampling the population and collecting the responses of those respondents in the sample. However, we want to make statements about the population at large. So we do not want to say something like ‘the members of this sample generally prefer red over blue,’ for example. Rather, we wish to be able to say something like ‘the members of the population from which this sample was selected prefer red over blue.’ These tools may be used to make statements about the population rather than restricting ourselves to statements about the sample members.” Heching et al., col. (emphasis added). Thus, Heching et al. describes extrapolating predictions for a population based on the same behavior or economic activity, not a system that predicts aggregate behavior or aggregate economic activity of a population. In contrast, Applicants claims recite methods for predicting

aggregate behavior (as recited in Claims 1 and 11) or aggregate economic activity (as recited in Claims 16 and 38) of a population based on behavior and aggregate economic activity different than that to be modeled.

Because neither Tamayo et al. nor Heching et al., describe a system that includes “a modeling system configured to model aggregate behavior of a population as a function of aggregate on-line interest data, the on-line interest data based on passive observation of on-line behavior of a subpopulation, wherein the on-line behavior is related to, but different than, the behavior to be modeled” or “a modeling system configured to model aggregate economic activity of a type of product as a function of aggregate on-line interest data related to products comprising the type, wherein the on-line interest data is based on passive observation of on-line behavior of a subpopulation, wherein the on-line behavior is related to, but different than, the economic activity to be modeled, and wherein the subpopulation comprises a subset of a population that engages in the economic activity to be modeled” their combination, also fails to teach or suggest a system that predicts aggregate behavior or aggregate economic activity of a population.

For at least these reasons, independent claims 1, 11, 16, and 38 are patentable over the combination of Tamayo et al. and Heching et al. Accordingly, Applicants request that these rejections of independent claims 1, 11, 16, and 38 be withdrawn.

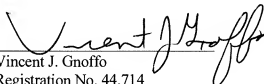
#### **B. Dependent Claims**

Dependent Claims 2-7, 12-13, 17-24, 26-37, and 39-43 also stand rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over the combination of Tamayo et al. and Heching et al. Dependent claims 2-7, 12-13, 17-24, 26-37, and 39-43 depend, either directly or indirectly, from independent claims 1, 11, 16, and 38 and should be allowed for the reasons set out above for the independent claims. Applicants therefore similarly request that these rejections of these claims be withdrawn.

**CONCLUSION**

Applicants respectfully submit that the pending claims are in condition for allowance and request the Examiner grant early allowance thereof. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

  
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